



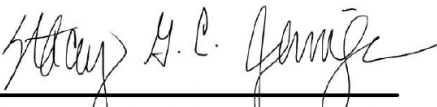
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 11, 2022


United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	
HIGHLAND CAPITAL MANAGEMENT,	§	Chapter 11
L.P.	§	
	§	Case No. 19-34054-sgj11
Debtor.	§	
<hr/>		
HIGHLAND CAPITAL MANAGEMENT,	§	
L.P.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Adv. No. 21-03010-sgj
	§	
HIGHLAND CAPITAL MANAGEMENT	§	
FUND ADVISORS, L.P. and NEXPOINT	§	
ADVISORS, L.P.,	§	
	§	
Defendants.	§	

AGREED ORDER CONDITIONALLY STAYING JUDGMENT PENDING APPEAL

CAME ON FOR CONSIDERATION the *Defendants' Agreed Motion for Stay Pending Appeal* (the "Motion"), filed by NexPoint Advisors, L.P. ("NexPoint") and Highland Capital Management Fund Advisors, L.P. ("HCMFA," together with NexPoint, the "Defendants"),

whereby the Defendants seek to stay the collection of the *Judgment* (Adv. Pro. No. 21-03010, Docket No. 126) (the “Judgment”) entered against them in this Adversary Proceeding pursuant to Federal Rule of Civil Procedure 62(b), made applicable through Federal Rule of Bankruptcy Procedure 7062 (“Rule 62”). Having considered the Motion and the agreement of Highland Capital Management, L.P. (the “Plaintiff”) to the relief requested in the Motion, it is hereby:

ORDERED that the Motion is GRANTED as provided for herein; it is further

ORDERED that the Judgment is conditionally stayed as to each Defendant (the “Stay”), provided that each Defendant does one of the following to secure the Judgment (the “Security”) by October 7, 2022: (i) posts, and files on the docket of this Adversary Proceeding, a supersedeas bond with a bona fide, third-party surety naming the Plaintiff as the sole beneficiary, which includes supersedeas bonds from Arch Insurance Company; or (ii) deposits cash into the Registry of the Court, under either scenario in the following amounts:

(a) as to NexPoint, the Judgment amount of \$840,000, plus two years of interest at the Judgment rate (3.48%), or \$58,464, for a total amount of **\$898,464.00**, and

(b) as to HCMFA, , the Judgment amount of \$1,756,000, plus two years of interest at the Judgment rate (3.48%), or \$122,217.60, for a total amount of **\$1,878,217.60**,

provided, however, that, for the Stay to extend past March 14, 2024, then, on or before such date, each of the Defendants shall post additional Security (either through an original or supplemental supersedeas bond or through depositing additional funds) in an amount equal to twelve months’ of additional interest at the federal post-judgment interest rate in effect on March 14, 2024 (the “Additional Security”) and, if the Defendants fail to timely post such Additional Security, then the Stay shall terminate on March 15, 2024 (unless terminated sooner by further order of the Court); it is further

ORDERED that, if either Defendant fails to post the Security by October 7, 2022, then the Stay shall terminate at 12:01 a.m. on October 8, 2022, and the Plaintiff may collect on the Judgment as against the defaulting Defendant(s); it is further

ORDERED that, if the Defendants elect to deposit funds into the Registry of the Court as the Security, the Clerk of the Court is directed to accept such funds into the Registry of the Court and to file on the docket of this Adversary Proceeding one or more receipts evidencing such deposit; it is further

ORDERED that, provided the Defendants otherwise satisfy all requirements for the Stay, the Stay shall continue for fourteen (14) days after the District Court issues its mandate and, if a further appeal is filed to the United States Court of Appeal for the Fifth Circuit, for fourteen (14) days after that court issues its mandate; it is further

ORDERED that the Court shall retain jurisdiction to the maximum extent possible over this Order, including to order the distribution of any funds held in the Registry of the Court, including to the Plaintiff upon the expiration of the Stay, and to compel any surety on a supersedeas bond to pay such bond to the Plaintiff.

END OF ORDER

AGREED:

MUNSCH HARDT KOPF & HARR, P.C. By: <u>/s/ Davor Rukavina</u> Davor Rukavina, Esq. Texas Bar No. 24030781 Julian P. Vasek, Esq. Texas Bar No. 24070790 3800 Ross Tower 500 N. Akard Street Dallas, Texas 75202-2790 Telephone: (214) 855-7500 Facsimile: (214) 978-4375 drukavina@munsch.com jvasek@munsch.com ATTORNEYS FOR NEXPOINT ADVISORS, L.P. AND HIGHLAND CAPITAL MANAGEMENT FUND ADVISORS, L.P.	PACHULSKI STANG ZIEHL & JONES LLP By: <u>/s/ John A. Morris (w/ permission)</u> Jeffrey N. Pomerantz (CA Bar No. 143717) Ira D. Kharasch (CA Bar No. 109084) John A. Morris (NY Bar No. 266326) Gregory V. Demo (NY Bar No. 5371992) Hayley R. Winograd (NY Bar No. 5612569) 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 Telephone: (310) 277-6910 Facsimile: (310) 201-0760 Email: jpomerantz@pszjlaw.com ikharasch@pszjlaw.com jmorris@pszjlaw.com gdemo@pszjlaw.com hwinograd@pszjlaw.com ATTORNEYS FOR HIGHLAND CAPITAL MANAGEMENT, L.P.
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Highland Capital Management, L.P.,
Plaintiff
Highland Capital Management Fund Advisor,
Defendant

Adv. Proc. No. 21-03010-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: admin

Page 1 of 2

Date Rcvd: Oct 11, 2022

Form ID: pdf023

Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 13, 2022:

Recip ID	Recipient Name and Address
dft	+ Highland Capital Management Fund Advisors, L.P., K&LGates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806
dft	+ NexPoint Advisors, L.P., K&L Gates LLP, c/o Stephen G. Topetzes, 1600 K Street, NW, Washington, DC 20006-2806

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Oct 12 2022 02:03:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustregion07.au.ecf@usdoj.gov	Oct 12 2022 02:03:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 2

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 13, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 11, 2022 at the address(es) listed below:

Name	Email Address
A. Lee Hogewood, III	on behalf of Defendant NexPoint Advisors L.P. lee.hogewood@klgates.com,

District/off: 0539-3

User: admin

Page 2 of 2

Date Rcvd: Oct 11, 2022

Form ID: pdf023

Total Noticed: 4

matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com

A. Lee Hogewood, III

on behalf of Defendant Highland Capital Management Fund Advisors L.P. lee.hogewood@klgates.com, matthew.houston@klgates.com;Sarah.bryant@klgates.com;Mary-Beth.pearson@klgates.com;litigation.docketing@klgates.com;Emily.mather@klgates.com;Artoush.varshosaz@klgates.com

Davor Rukavina

on behalf of Defendant NexPoint Advisors L.P. drukavina@munsch.com

Davor Rukavina

on behalf of Defendant Highland Capital Management Fund Advisors L.P. drukavina@munsch.com

Julian Preston Vasek

on behalf of Defendant NexPoint Advisors L.P. jvasek@munsch.com

Julian Preston Vasek

on behalf of Defendant Highland Capital Management Fund Advisors L.P. jvasek@munsch.com

Juliana Hoffman

on behalf of Interested Party Committee of Unsecured Creditors jhoffman@sidley.com
txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com

Matthew A. Clemente

on behalf of Interested Party Committee of Unsecured Creditors mclemente@sidley.com
matthew-clemente-8764@ecf.pacerpro.com;efilingnotice@sidley.com;ebromagen@sidley.com;alyssa.russell@sidley.com;dtwomey@sidley.com

Paige Holden Montgomery

on behalf of Interested Party Committee of Unsecured Creditors pmontgomery@sidley.com
txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnotice@sidley.com

Thomas Daniel Berghman

on behalf of Defendant Highland Capital Management Fund Advisors L.P. tberghman@munsch.com

Thomas Daniel Berghman

on behalf of Defendant NexPoint Advisors L.P. tberghman@munsch.com

Zachery Z. Annable

on behalf of Plaintiff Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 12